

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARIANNA ZHAO,

Plaintiff(s),

v.

SURGE PRIVATE EQUITY LLC, et al.,

Defendant(s).

22-CV-7314 (DEH)

ORDER

DALE E. HO, United States District Judge:

As described in an order issued January 2, 2024, the parties were originally given ten months to complete discovery and subsequently granted an extension to complete discovery by April 1, 2024. *See* Dkt. No. 55. That order denied a request for a further extension of the discovery deadline to September 2024, allowing the parties to renew their request for an extension following the exchange of certain forms of discovery. *See id.* On December 22, 2023, Plaintiff filed a letter stating that the class size relevant to the New York Labor Law (“NYLL”) claims may be over 1,000 individuals, much larger than previously imagined, and requesting leave to engage in supplemental collective notice mailing to potential members of the Fair Labor Standards Act (“FLSA”) collective. *See* Dkt. No. 53. On January 12, 2024, Plaintiff filed a letter renewing her request for an extension of discovery to September 2024, stating that she needed the time to mail an approximately 500 additional FLSA collective members and engage in discovery relevant to the class claims. *See* Dkt. No. 58. On January 18, 2024, Defendants filed a letter explaining that the discrepancy in the parties’ understanding of the size of the collective was due to the difference in size between the department in which Plaintiff worked and Defendants’ entire business. *See* Dkt. No. 60. That letter also states that the additional discovery time is necessary for the NYLL class allegations. *See id.*

It is hereby **ORDERED** that Plaintiff's request for supplemental collective notice mailing is **GRANTED**. Plaintiff shall act promptly to engage in collective notice. It is further **ORDERED** that the parties' request for an extension of time to take discovery relevant to the NYLL class claims is **GRANTED IN PART**. The parties shall complete fact discovery by **June 14, 2024**. A case management conference will be held on **June 26, 2024, at 2:00 P.M. EST**. The parties shall join the case management conference by dialing (646) 453 – 4442 and entering the Conference ID: 287 311 95, followed by the pound sign (#). The parties shall file a joint status letter by **June 21, 2024**. Such letter shall state whether either party intends to file a dispositive motion or a motion to certify a class, and propose, as necessary, the sequencing for such motions. The letter shall also state whether the parties request a referral for mediation through the District's Mediation Program or before the assigned Magistrate Judge.

Due to the procedural history of this case, no further extensions will be granted absent a showing of extraordinary circumstances.

SO ORDERED.

Dated: January 22, 2024
New York, New York



DALE E. HO
United States District Judge